

### Notification of Contract Non-Compliance

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#### Procedural Bulletin # 5

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#### Purpose

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To establish a consistent process of notifying a grant funded entity of contract non-compliance.

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#### Overview

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IC 12-2-6 states “To remain eligible for financial aid under this chapter, a county must comply with its community corrections plan and the rules and minimum standards adopted by the Indiana Department of Correction (IDOC).” Community Corrections Division staff members will monitor and audit a grant funded entity’s compliance with the executed grant contract, statute, procedural bulletins, and required report submissions. Contract Non-Compliance is a verified violation determined by IDOC Commissioner of the executed grant contract, special conditions, procedural bulletins, and failure to follow statute, rule, or policy that cannot be remedied from Procedural Bulletin Technical Assistance in Section 2-4.

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#### Procedure

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If a grant funded entity fails to reach compliance as outlined in their “Technical Assistance Plan” under the Procedural Bulletin Technical Assistance in Section 2-4, the following actions will occur:

1. If an IDOC Program Director, Fiscal Auditor, or IDOC Community Corrections related staff member verifies Contract Non-Compliance from the Technical Assistance Plan determined as unsuccessful, the IDOC staff member will notify the IDOC Community Corrections Director, IDOC Community Corrections Assistant Director, and the IDOC Deputy Commissioner of Re-entry within one business day.
2. By the close of the following business day, the IDOC Community Corrections Director, IDOC Community Corrections Assistant Director and the IDOC Deputy Commissioner of Re-entry will review all reports and documentation to confirm that the Technical Assistance Plan was unsuccessful and determine contract Non-Compliance. If determined as non-compliant, they will notify the IDOC Commissioner.
3. If the IDOC Commissioner determines that there are reasonable grounds to believe that a county or grant funded entity is not complying with its executed grant contract, the Administrative rules, statutes, or the minimum standards of the Procedural Bulletins, by the next business day, the IDOC Community Corrections Division will send notification of Contract Non-Compliance with the verification documentation to the Entity’s Director, Advisory Board President, Board of County

Commissioners or City-County Council, and the Chair of the Justice Reinvestment Advisory Council (JRAC) via memo, letter, or other form of official communication.

4. After giving at least thirty (30) days written notice to the Board of County Commissioners or City-County Council, the Community Corrections Advisory Board, and Entity Director, a hearing will be conducted under IC 4-21.5-3 to ascertain whether compliance has been achieved. If the Contract Non-Compliance is a result of an expenditure of state grant funds outside the term of the executed grant contract or statute, State Board of Accounts may conduct an investigation.
5. As a result of the Contract Non-Compliance, the IDOC Commissioner may suspend any part of the financial aid until compliance is achieved or permanently terminate funding from the grant entity. Alternative solutions may be proposed by the IDOC Commissioner to achieve compliance.